

UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. MJ07-5152

v.

DETENTION ORDER

CRAIG NELSON,

Defendant.

THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community.

This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

*Findings of Fact/ Statement of Reasons for Detention***Presumptive Reasons/Unrebutted:**

- ☐ Conviction of a Federal offense involving a crime of violence. 18 U.S.C. §3142(f)(A)
- ☐ Potential maximum sentence of life imprisonment or death. 18 U.S.C. §3142(f)(B)
- ☒ Potential maximum sentence of 10+ years as prescribed in the Controlled Substances Act (21 U.S.C. §801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. §951 et seq.) Or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)
- ☐ Convictions of two or more offenses described in subparagraphs (A) through (C) of 18 U.S.C. §3142(f)(1) of two or more State or local offenses that would have been offenses described in said subparagraphs if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses.

Safety Reasons:

- ☐ Defendant is currently on probation/supervision resulting from a prior offense.
- ☐ Defendant was on bond on other charges at time of alleged occurrences herein.
- ☐ Defendant's prior criminal history.
- ☒ The proffer by the AUSA supports the conclusion that the Defendant still has access to a substantial amount of ephedrine hidden in a location known only to him. This is a safety concern for the community and could also provide a substantial amount of cash so that it adds to concerns of flight. In addition, the Defendant has custody of a minor son. During execution of the search warrant agents found recipes for making meth as well as illegal chemicals. This creates a risk of safety with regard to the minor.

Flight Risk/Appearance Reasons:

- ☐ Defendant's lack of sufficient ties to the community.
- ☐ Immigration and Naturalization Service detainer.
- ☐ Detainer(s)/Warrant(s) from other jurisdictions.
- ☐ Failures to appear for past court proceedings.
- ☒ The Defendant has access to a substantial amount of ephedrine which could be illegally converted to cash and this creates a risk of flight.

Order of Detention

- ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
- ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.

1 The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered
2 to a United States marshal for the purpose of an appearance in connection with a court proceeding.

3 DATED this 12th day of December, 2007.

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5 Karen L. Strombom
6 United States Magistrate Judge
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